

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVID BECERRILL,

Plaintiff,

v.

OFFICER GUNNELS, *ET AL.*,

Defendants.

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CIVIL ACTION No. H-10-1186

ORDER

Plaintiff, a state inmate proceeding *pro se*, filed this civil rights lawsuit complaining of deliberate indifference to his physical safety by prison officials at the Estelle Unit. Regarding plaintiff's pending motions, the Court ORDERS as follows:

(1) Plaintiff's application to proceed *in forma pauperis* (Docket Entry No. 2) is DENIED for his failure to attach the required certified copy of his current inmate trust account statement. Plaintiff is ORDERED to file under this case number a certified copy of his current inmate trust account statement by MAY 10, 2010. Plaintiff's failure to comply timely with this order will result in dismissal of this lawsuit for failure to pay the filing fee.

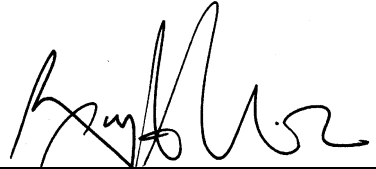
(2) Plaintiff's motion for a temporary injunction ordering prison officials to place him in protective custody for the remainder of his sentence (Docket Entry No. 3) is DENIED. Plaintiff was assaulted at the Estelle Unit; he is currently in custody at the Coffield Unit. Plaintiff presents no evidence of a substantial risk to his physical safety at the Coffield Unit.

Accordingly, plaintiff does not show a substantial threat of irreparable harm if his request for temporary injunctive relief is not granted at this time. *See Planned Parenthood of Houston and Southeast Tex. v. Sanchez*, 403 F.3d 324, 329 (5th Cir. 2005).

(3) Plaintiff's motion for appointment of counsel (Docket Entry No. 5) is DENIED at this time. A district court is not required to appoint counsel for an indigent plaintiff asserting a 42 U.S.C. § 1983 claim except in exceptional circumstances. *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982). Plaintiff does not show that the circumstances of this case are in any way exceptional. Further, plaintiff's pleadings show that he is reasonably able to represent himself in this lawsuit.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on April 14, 2010.



Gray H. Miller
United States District Judge